

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Amadou C. Diabate,

Plaintiff,

v.

ORDER

Civil No. 14-2974(MJD/JJK)

University of Minnesota et al.,

Defendants.

The above-entitled matter comes before the Court on Plaintiff's petition for rehearing, which the Court will construe as a request to file a motion to reconsider, the Court's Order dated September 10, 2014 summarily dismissing this action.

The Local Rules for the District of Minnesota provide that a motion to reconsider can only be filed with the Court's express permission, and then, only "upon a showing of compelling circumstances." L.R. 7.1(j). The district court's decision on a motion for reconsideration rests within its discretion. Hagerman v. Yukon Energy Corp., 839 F.2d 407, 413 (8th Cir. 1988).

Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence. Such motions cannot in any case be employed as a vehicle to introduce new evidence that could have been adduced during

pendency of the summary judgment motion. The nonmovant has an affirmative duty to come forward to meet a properly supported motion for summary judgment. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Id. at 414 (citation omitted). The Court has reviewed the Report and Recommendation, and the objections thereto, and concludes that Plaintiff has not demonstrated compelling circumstances warranting reconsideration. The motion will be denied.

IT IS HEREBY ORDERED that Plaintiff's request to file a motion for reconsideration [Doc. No. 7] is DENIED.

Date: October 21, 2014

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court